

### **REMARKS/ARGUMENTS**

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the following remarks.

The Applicants originally submitted Claims 1-20 in the application. Pursuant to a restriction requirement, the Applicants subsequently canceled Claims 8-20 without prejudice or disclaimer. The Applicants also previously added Claims 21-28 and canceled Claims 6 and 7. Presently, the applicants have amended Claims 1, 2, and 25, have canceled Claim 4 without prejudice or disclaimer, and have added new Claims 29-32. No other claims have been amended, canceled nor added. Accordingly, Claims 1-3, 5 and 21-32 are currently pending in the application.

#### **I. Rejection of Claims 1-5 and 21-28 under 35 U.S.C. §102**

The Examiner has rejected Claims 1-5 and 21-28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,499,717 to Hayashi ("Hayashi"). Independent Claims 1, 21 and 25 recite a base having a periphery, an inner well having a periphery extending along the periphery of the base, an outer well extending along the periphery of the inner well. Hayashi fails to disclose this recited element.

In contrast to the present invention, Hayashi discloses an embossed carrier tape system. (Title). Hayashi discloses that a carrier having a base 4 may have a pair of outer wells formed on opposing sides of rib 5. Nevertheless, Hayashi does not disclose that the inner well extends along a periphery of the base or that the outer well extends along the periphery of the inner well, as presently claimed. Because Hayashi only illustrates a cross-section of its device, one skilled in the art is

unable to determine whether the first and second wells of Hayashi extend along any periphery. Similar to the wells of FIG. 1 of the Budde reference previously cited (U.S. Pat. No. 3,825,803), without further detail, the wells of Hayashi must not extend along any periphery. Further, while FIG. 2 of Hayshi is a plan view, it again fails to illustrate that the wells of Hayashi extend along respective peripheries.

Therefore, Hayashi does not disclose each and every element of the claimed invention and as such, is not an anticipating reference. Because Claims 2-5, 22-4 and 26-28 are dependent upon Claims 1, 21 and 25, Hayashi also cannot be an anticipating reference for Claims 2-5, 22-4 and 26-28. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to these Claims.

## II. Conclusion

In view of the foregoing remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-3, 5 and 21-32.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees connected with this communication or credit any overpayment to Deposit Account No. 08-2395.

Respectfully submitted,

HITT GAINES, PC

A handwritten signature in black ink, appearing to read 'Greg H. Parker', written over the printed name.

Greg H. Parker  
Registration No. 44,995

Dated:

1-3-05

P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800